

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 5, 2006**

The Tippecanoe County Commissioners met on Tuesday, September 5, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

***APPROVAL OF MINUTES***

- Commissioner Shedd moved to approve the Minutes of the August 21, 2006 Regular Meeting as distributed, seconded by Commissioner Benson; motion carried.

***APPROVAL OF ACCOUNTS PAYABLE VOUCHERS***

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers with no exceptions, seconded by Commissioner Shedd; motion carried.

***HIGHWAY: Executive Director Opal Kuhl***

**Bid Awarded: 2006 Bridge Rehabilitation Project (Opened 8/21/2006)  
Performance & Payment Bonds #7584640: Jack Isom Construction Co., Inc.**

Ms Kuhl recommended accepting the bid for the 2006 Bridge Rehabilitation Project from Jack Isom Construction Co., Inc. in the amount of \$998,412.86 that is lower than the engineer's estimate of \$1.1 million. Payment and Performance Bonds #7584640, both in the amount of \$998,412.96, were presented for acceptance.

- Commissioner Shedd moved to award the bid and contract to Jack Isom Construction Co., Inc. for the 2006 Bridge Rehabilitation Project and accept Performance and Performance Bonds #7584640, both in the amount of \$998,412.86, seconded by Commissioner Benson; motion carried.

**Agreement for Engineering Services: USI Consultants, Inc.**

Ms Kuhl submitted an Agreement from USI Consultants, Inc. to perform an Alignment Study and Environmental Overview for the replacement of Tippecanoe County Bridges #64 & #65 carrying Lilly Road over Wea Creek and a Branch of Wea Creek for a fee of \$26,600.

- Commissioner Shedd moved to accept the Agreement for Engineering Services with USI Consultants, Inc., for Bridges #64 and #65, seconded by Commissioner Benson; motion carried.

**Agreement for Engineering Services: H. Stewart Kline & Associates, Inc.  
Bridge Inspection Contract: INDOT (Indiana Department of Transportation)**

Ms Kuhl presented an Agreement for Engineering Services and a Bridge Inspection Contract for the Bridge Inspection Program that is conducted every two years for all bridges owned and/or maintained by the County. The agreement with Kline & Associates in the amount of \$151,496 is for Engineering Services for Bridge Inspection and the contract with INDOT is to cover the 80% Federal-aid reimbursement the County will receive.

- Commissioner Shedd moved to accept the Agreement for Engineering Services with H. Stewart Kline & Associates, Inc. and the Bridge Inspection Contract with INDOT, seconded by Commissioner Benson; motion carried.

#### **Temporary Easement Grant: Bridge #91 Project**

Key #120-03200-0050: Parcel 1A; A part of the South Half of the NE ¼ of Sec 15, Twp 23 N, R 6 W of the Second Principal Meridian in Shelby Twp from Charles E. Shelby, an undivided 1/3 interest, Michael M. Shelby, an undivided 1/3 interest, and Steven D. Shelby, an undivided 1/3 interest, as tenants in common.

- Commissioner Shedd moved to accept the Temporary Easement for Parcel 1A for the Bridge #91 Project, seconded by Commissioner Benson; motion carried.

#### **Traffic Circulation Plan: Feast of the Hunter's Moon**

Ms Kuhl submitted the Tippecanoe County Historical Association's proposed one-way traffic circulation plan for the Feast of the Hunter's Moon in the vicinity of Fort Ouiatenon from 8:00 A.M. to 6:00 P.M. on the 7<sup>th</sup> and 8<sup>th</sup> of October, 2006. Ms Kuhl said this plan has been used in past years and works well.

- River Road is to be designated One Way East from CR 350 W to CR 300 W
- CR 300 W is to be designated One Way North from river Road to Division Road
- Division Road is to be designated One Way West to CR 350 W
- CR 350 W is to be designated One Way South from Division Road to River Road
- Commissioner Shedd moved to accept the proposed traffic circulation plan that will be used during the Feast of the Hunter's Moon on October 7<sup>th</sup> and 8<sup>th</sup>, seconded by Commissioner Benson; motion carried.

#### **Street Acceptance: Green Meadows 3<sup>rd</sup> SD, Pt 4, Phase IV**

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Hosta Lane	130	30'	50'	Asphalt	Curb & Gutter
Total	130' = 0.025 Miles		Total Lots: 0		

Ms Kuhl explained this street has been in the Highway system for years but, for some reason, was never accepted.

- Commissioner Shedd moved to accept the street in Green Meadows 3<sup>rd</sup> SD, Pt 4, Ph IV, seconded by Commissioner Benson; motion carried.

#### **Street Acceptance: Capilano By The Lake, Ph 3**

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Glen Eagles Place	291.33	30'	60'	Asphalt	Curb & Gutter
Total	291.33' = 0.055 Miles		Total Lots: 7 (71-77)		

This street has also been in the system for years but was never accepted.

- Commissioner Shedd moved to accept the street in Capilano By The Lake, Ph 3, seconded by Commissioner Benson; motion carried.

**Street Acceptance: Benjamin Crossing PD, Sec 4**

**Sub-Division Street Maintenance Bond #5022133: \$47,200: Benjamin Crossing, LLC**

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
English Lane	1,191.95	30'	50'	Asphalt	Curb & Gutter
Massasoit Lane	817.18	30'	50'	Asphalt	Curb & Gutter
Narragansett Way	840.35	30'	50'	Asphalt	Curb & Gutter
Soule Drive	1,145.65	30'	50'	Asphalt	Curb & Gutter
Total	3,995.13' = 0.757 Miles		Total Lots: 101 (454-554) & 3 Outlots (20, 21, & 23)		

- Commissioner Shedd moved to accept the streets in Benjamin Crossing PD, Sec 4 and SD and 3 year SD Street Maintenance Bond #5022133 in the amount of \$47,200 for Benjamin Crossing, LLC, seconded by Commissioner Benson; motion carried.

**Open Bids: Asphalt Paver**

Attorney Luhman opened and read the bids:

Brandeis machinery & Supply Co.

No Bid

Attorney Luhman read the explanation for the “no bid” in a letter submitted by Brandeis:

“Unfortunately, Brandeis Machinery & Supply Company will have to submit a “no bid” on this particular machine. This is due to the fact that the specifications call for a CAT model paver. Brandeis is an Ingersoll Rand and Blaw Knox dealer and would not be able to comply with these specifications.”

MacAllister Machinery Co., Inc.

Total List Price:	\$401,250
Discount:	(\$106,729)
Cash Sale Price Delivered:	\$294,521
Trade Allowance for (APM290 & APM292)	(\$294,521)
Total Trade Difference	\$0

- Upon Attorney Luhman’s recommendation, Commissioner Shedd moved to take the bid under advisement, seconded by Commissioner Benson; motion carried.

**Change Order #2: Lauramie Creek Erosion Correction Project: H. Stewart Kline & Associates, Inc.**

Ms Kuhl submitted Change Order #2 for the Lauramie Creek Erosion Correction Project for an additional \$5,434 for #2 Stone to fill in the voids in the Class 2 Riprap at Gabion base.

- Commissioner Shedd moved to accept Change Order #2 for an additional \$5,434 from Kline & Associates, seconded by Commissioner Benson; motion carried.

***REQUEST FOR PUBLIC HEARING: Petition to Vacate a Portion of Swisher Road: Dan Saffen, Indiana Department of Natural Resources Representative***

Mr. Saffen requested a Public Hearing regarding the vacation of a portion of Swisher Road in Prophetstown State Park. The Indiana Department of Natural Resources is requesting a vacation of the portion of Swisher Road from the DeBoy tract to the Irvin Swisher Road Development Co., LLC property. If this vacation is approved, Mr. Saffen said the State will take over its maintenance.

Attorney Luhman advised the Public Hearing must be held within 30 days with a Notice of Public Hearing published 10 days prior.

The Commissioners scheduled a Special Meeting for the Public Hearing on Monday, September 25, 2006 at 10:00 A.M.

Highway Executive Director Opal Kuhl expressed no objection to the vacation.

***ORDINANCE 2006-19-CM: Z-2299, Winding Creek Dev, LLC: PDRS to R1: Attorney Joe Bumbleburg***  
***ORDINANCE 2006-20-CM: Z-2301, Winding Creek Dev, LLC: A to R1***

Ordinance 2006-19-CM and Ordinance 2006-20-CM will appear in their entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-19-CM and Ordinance 2006-20-CM, seconded by Commissioner Benson.

(quote)

August 17, 2006  
Ref. No.: 06-418

Tippecanoe County Commissioners  
20 N. 3rd Street  
Lafayette, IN 47901

#### **CERTIFICATION**

RE: **Z-2299-WINDING CREEK DEVELOPMENT, LLC (PDRS to R1):**  
Petitioner is requesting rezoning of a 10.02 acre tract located east of 348 Augusta Lane, Winding Creek Subdivision, Tippecanoe 29 (NE) 24-4.  
**CONTINUED FROM THE JULY MEETING IN ORDER TO READVERTISE**  
**WITH THE NEW BOUNDARY DESCRIPTION.**

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 16, 2006, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from PDRS to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 5, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Sallie Dell Fahey  
Executive Director

August 17, 2006  
Ref No 06-419

Tippecanoe County Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2301-WINDING CREEK DEVELOPMENT, LLC (A to R1):**  
Petitioner is requesting rezoning of a 0.48 acre tract located between  
American Suburban Utilities property and the County Home property  
Tippecanoe 30 (NW) 24-4.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 16, 2006, the Area Plan Commission of Tippecanoe County voted 11 yes-0 no on the motion to rezone the subject real estate from A to R1. Therefore the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 5, 2006 regular meeting. Petitioners or their representatives must appear to present their case

Sincerely,  
/s/Sallie DeH Fahey  
Executive Director

(unquote)

**Ord 2006-19-CM**

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change from PDRS to R1 for 10.02 acres located in the middle of a golf course. In 2000, this acreage was rezoned from R1 to PDRS but, since there has been no interest from builders, Mr. Bumbleburg requested a change back to R1.

**Ord 2006-20-CM**

Mr. Bumbleburg requested a zoning change from A to R1 for approximately 1/2 acre (345' x 60') that lies between a future Winding Creek SD phase and land owned by Tippecanoe School Corporation (Harrison High School location). He said this change will make this small strip of land homogenous with the subdivision and could be used as a walking trail between the subdivision and the school if an agreement is reached.

Since there were no questions or comments, Auditor Plantenga recorded the vote:

**Ord 2006-19-CM**

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	Yes

- The motion to approve Ordinance 2006-19-CM passed 3 – 0.

Ord 2006-20-CM

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2006-20-CM passed 3 – 0.

***MEMORANDUMS OF AGREEMENT: Juvenile Alternatives Director Cindy Loper***

Ms Loper requested approval of Memorandums of Agreement with the Lafayette School Corporation, West Lafayette School Corporation, Tippecanoe School Corporation and Greater Lafayette Area Special Services (GLASS) for support of Juvenile Alternatives' Truancy Mediation Program. The amounts contributed from each entity will pay the Truancy Mediator's salary.

Tippecanoe School Corporation	\$8,000
West Lafayette School Corporation	\$2,000
Lafayette School Corporation	\$12,000
GLASS	\$4,000

- Commissioner Shedd moved to accept the Memorandums of Agreement for the Truancy Mediation Program, seconded by Commissioner Benson; motion carried.

***ELECTION & REGISTRATION: Order Establishing Precincts: Co-Directors Heather Maddox & Laurie Wilson***

(quote)

<b>STATE OF INDIANA</b>	)	<b>BEFORE THE TIPPECANOE COUNTY</b>
	) <b>SS:</b>	<b>BOARD OF COMMISSIONERS</b>
<b>COUNTY OF</b>	)	
<b>TIPPECANOE</b>		

**ORDER ESTABLISHING PRECINCTS**

WHEREAS, Indiana Code 3-11-1.5 requires that precinct boundaries comply with the directives of said law; and

WHEREAS, pursuant to IC 3-11-1.5, Tippecanoe County, Indiana through the Board of Commissioners has established the precincts for the said County.

NOW THEREFORE, BE IT ORDERED by the Commissioners of Tippecanoe County as follows:

Tippecanoe County, Indiana by and through the Board of Commissioners hereby establishes the precincts for the county.

A precinct description and map of the boundaries of each precinct established and submitted to the Indiana Election Commission is made part hereof.

That this order shall become effective upon approval of said precincts by the Indiana Election Commission.

ORDERED THIS DAY OF September 5, 2006.

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
Ruth Shedd, Vice President

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KD Benson, Member

### **Requested Polling Place Changes for 2006 General Election**

#### Current

Tippecanoe 1 and 3	Battle Ground Fire Station
Tippecanoe 2 and 6	Tippecanoe Villa Chapel
Tippecanoe 4	Crossroads Christian Church

#### Requested

Tippecanoe 3 and 4	Battle Ground Fire Station
Tippecanoe 2 and 6	Tippecanoe Villa Chapel
Tippecanoe 1	Crossroads Christian Church

#### Current Voter Registrations:

Tippecanoe 1	1187
Tippecanoe 2	613
Tippecanoe 3	138
Tippecanoe 4	777
Tippecanoe 6	1393

Tippecanoe 3 and 4 are in the town of Battle Ground, convenient to the Fire Station.

Combined total voters for Tippecanoe 3 and 4 is under-1000, a more manageable number of voters for the facility.

Crossroads Christian Church is located in Tippecanoe 1 precinct.

Tippecanoe 1 has over 1000 voters, which can be better accommodated by the larger facility and ample parking at Crossroads Christian Church.

### **West Lafayette Annex Precinct Proposal**

#### Wabash 2 split to become

Wabash 2	1422 voters
Wabash 20	23 voters
Wabash 24	Non-voting

#### Wabash 3 split to become

Wabash 3	705 voters
Wabash 23	Non-voting

#### Tippecanoe 6 split to become

Tippecanoe 6	1373 voters
Tippecanoe 7	20 voters

Splits due to West Lafayette annexation to become effective in 2007. First election after proposed changes become effective is May 8, 2007, Municipal Primary Election.

(unquote)

Ms Maddox and Mrs. Wilson requested approval to change the polling place for Tippecanoe 4 from Crossroads Christian Church to Battle ground Fire Station because the precinct is located in the Town of Battle Ground and it makes more sense. They requested a change for Tippecanoe 1 from Battle Ground Fire Station to Crossroads Christian Church because the church is located in Tippecanoe 1 precinct.

- Commissioner Shedd moved to approve the polling place changes for Tippecanoe Township precincts 4 and 1, seconded by Commissioner Benson; motion carried.

### **West Lafayette Annex Precinct Proposal**

Wabash 2 split to become

Wabash 1	1422 voters
Wabash 20	23 voters
Wabash 25	Non-voting

Wabash 3 split to become

Wabash 3	705 voters
Wabash 23	Non-voting

Wabash 6 split to become

Tippecanoe 6	1373 voters
Tippecanoe 7	20 voters

Splits due to the West Lafayette annexation to become effective in 2007. First election after proposed changes become effective is May 8, 2007, Municipal Primary Election.

- Commissioner Shedd moved to approve the West Lafayette Annex Precinct Proposal, seconded by Commissioner Benson; motion carried.

### ***RESOLUTION 2006-29-CM: Providing for the Deposit of Cumulative Bridge Fund Interest into the General Fund for 2007***

Resolution 2006-29-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman summarized that the Resolution provides for interest from the Cumulative Bridge Fund to be deposited into the General Fund in 2007. The purpose for this would be to provide funding that would enable County employees to receive a 2% raise in the 2007 Budget as well as provide funding for merit pay bonuses in 2007 in the amount of \$135,000. The amount of interest that would be transferred to the General Fund from the Cumulative Bridge Fund would be \$300,000 for the year 2007 only.

- Commissioner Shedd moved to approve Resolution 2006-29-CM, seconded by Commissioner Benson.

Commissioner Benson asked the Auditor if he received the County's 2007 COIT (County Option Income Tax) amount from the State. Auditor Plantenga responded that he received the County's COIT and EDIT (Economic Development Income Tax) amounts shortly after Budget Hearings were completed. He reported the COIT amount increased approximately \$500,000 due to the increase in the Department of Family and Children's Budget which is figured as one of our levies. If the revenue and expenditure amounts are matched for 2007, he said he is not sure the full \$300,000 of Cumulative Bridge Fund interest will be needed.

## ***APPOINTMENTS***

### **Otterbein Public Library Board of Directors**

Attorney Luhman explained he received a correspondence from the attorney for the Otterbein Public Library Board of Directors following their review of the make-up of their seven (7) member board. After examining the Statute, they found that the Library Board is supposed to have two (2) members jointly appointed by the Benton and Tippecanoe County Commissioners and two (2) members jointly appointed by the Benton and Tippecanoe County Councils because the Town of Otterbein straddles two counties. The Library Board attorney inquired how to procedurally work this out.

- Following Attorney Luhman's recommendation, Commissioner Shedd moved to propose that each Board of Commissioners nominate one (1) person after which both will be appointed to the Otterbein Public Library Board of Directors in a joint resolution if both entities agree, seconded by Commissioner Benson; motion carried.

Attorney Luhman said he will inform the attorney for the Library Board of the Commissioners' proposal. The County Council will need to propose a similar procedure.

### **Property Tax Assessment Board of Appeals (PTABOA)**

County Assessor Nancy Moore recommended the appointment of Jim Mellady, a local realtor/appraiser, to fill the vacancy on the PTABOA due to the death of one of the members. She said this is no longer an annual appointment so Mr. Mellady will serve until someone is appointed to take his place.

- Commissioner Shedd moved to appoint Jim Mellady to serve on the PTABOA, seconded by Commissioner Benson; motion carried.

### **Common Wage Board**

- Commissioner Shedd moved to appoint Alan Parker to the Common Wage Board for the construction of Maintenance Buildings at Prophetstown State Park, roof replacement on the Stein Building at the Tippecanoe County Public Library, and multiple projects at Purdue University, seconded by Commissioner Benson; motion carried.

## ***TIPPECANOE VILLA APPLICATION***

- Commissioner Shedd moved to accept the application of Della Mae VanKirk to the Tippecanoe Villa, seconded by Commissioner Benson; motion carried.

## ***UNFINISHED BUSINESS***

### **Juvenile Services Executive Director**

Commissioner Benson announced that she met with Judge Rush who thinks it is critical to have an employee or contract person who will be responsible for juvenile issues. This person would examine services, oversee County juvenile programming for consistency in placing juveniles in the right programs, and make sure the proper juveniles are placed in the Juvenile Justice Center.

Commissioner Benson said she and Judge Rush request the Commissioners consider hiring a contract person to facilitate relationships, programs, coordinate activities in the County for juveniles, and coordinate the Division of Family & Children's budget before it goes to the County Council for approval. Commissioner Benson said this person, probably someone with an MBA or business degree, could facilitate and move the design and construction of a Juvenile Justice Center on its path.

President Knochel said Judge Rush indicated to him that she has been able to accumulate funds to pay for this position. Commissioner Benson said she has a parent reimbursement program but Auditor Plantenga said those reimbursements are not her money but go into the General Fund.

Commissioner Shedd pointed out the proposed job description is written for a new position, not as a contract person. Commissioner Benson said she thinks Judge Rush would be fine with having this person on contract but she was unsure how much this would cost. However, at Judge Rush's suggestion, Commissioner Benson proposed adding an additional \$100,000 in the Commissioners' Professional Services line in the 2007 Budget to cover any expenses. Commissioner Shedd said she does not favor adding a new position but would be willing to consider a contract position.

President Knochel asked if this request could be considered by the Council at their September 12<sup>th</sup> meeting before final approval of the 2007 Budget. Attorney Luhman said they could get the sense of the Council at that meeting but there isn't enough time to send this new position to Wagner, Irwin, & Scheele for classification.

Commissioner Benson said her intention was to ask the Council to add \$100,000 to the Commissioners' Professional Services line in the 2007 Budget so there will be sufficient funding to hire a contract person in 2007. Commissioner Shedd asked why it makes a difference to add the money now or come for an additional appropriation later. Auditor Plantenga responded that, if it is part of the budget process, the contract can be in place the first of January. If it is not part of the budget process, an additional appropriation will be required in 2007.

- Commissioner Benson moved to request the Council to add \$100,000 to the Commissioners' Professional Services line item in the 2007 Budget to fund a Juvenile Services Executive Director either as an employee or contract position, seconded by Commissioner Shedd; motion carried.

### **City of Lafayette's Permitting Request**

Attorney Luhman explained that the City of Lafayette is currently in the process of a voluntary annexation of two (2) parcels located east of the City and owned by the Sisters of Saint Francis, Inc. Because the pending annexation will not be final until November 13, 2006, the Commissioners received a letter from Lafayette Mayor Tony Roswarski requesting the Commissioners to authorize the City to take over the permitting and review process for any matters related to development of the two parcels that would otherwise be a part of the County permitting process. Attorney Luhman said they want to begin construction of the GLHS (Greater Lafayette Health Services) buildings before the annexation is final and would rather deal with one permitting process rather than two.

If the Commissioners are agreeable to this request in concept, Attorney Luhman recommended negotiating an interlocal agreement with the City because there are statutory constraints on the County delegating its permitting process to the City. He said it may be desirable to have a cooperative process with a joint review of the permits to make sure they meet the most restrictive building codes of the two entities.

- Commissioner Shedd moved to authorize Attorney Luhman to work with the Lafayette City Attorney to frame an interlocal agreement for the City of Lafayette to take over the permitting process prior to the annexation of the two parcels to the extent of the law, seconded by Commissioner Benson; motion carried.

***REPORTS***

Reports from the Treasurer, Parks & Recreation, Clerk of the Circuit Court, Tippecanoe County Public Library, and Wabash River Corridor Commission are on file in the Commissioners' Office for review.

***PUBLIC COMMENT***

None.

***ADJOURNMENT***

- Upon the motion by Commissioner Shedd and the second by Commissioner Benson, the meeting adjourned.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

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John L. Knochel, President

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Ruth E. Shedd, Vice President

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KD Benson, Member

**ATTEST:**

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Robert A. Plantenga, Auditor